

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1449 of 1986

For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

U C PANDYA

Versus

STATE OF GUJARAT

Appearance:

M/S NJ MEHTA ASSO. for Petitioner
Mr A.J.Desai, AGP, for M/S MG DOSHIT & CO for
Respondent No. 1

CORAM : MR.JUSTICE R.A.MEHTA

Date of decision: 10/11/97

ORAL JUDGEMENT

The petitioner, a professor of Gujarati, claims that all professors should be paid according to the principle of 'equal pay for equal work'; and the professors teaching technical subjects in engineering colleges are given higher pay scale and therefore, professors in non-technical subjects also should be paid

the same pay scale. It is submitted that the distinction between technical and non-technical subjects is irrational, arbitrary and void.

2. Reliance is placed on a judgment of this Court in the case of Dr.I.M.Pandya & ors. vs. State of Gujarat & ors. decided on 8th July, 1983. In that case, the question was of professors teaching technical subjects and non-technical subjects (Physics, Chemistry and Mathematics) in Engineering Colleges. The learned Judge held that the distinction between technical and non-technical subjects in Engineering colleges was not proper and valid and that historically both were on parity. In South Gujarat University and Baroda University, there was no such distinction. The Desai Pay Commission also recommended for restoration of parity in the pay scales and the term 'technical' was recommended to be given wider connotation so as to cover subjects of Physics, Chemistry and Mathematics in Engineering Colleges. It was also considered that teaching of Physics, Chemistry and Mathematics in Engineering Colleges was technical and the subjects include Nuclear Physics, nuclear technology, reactor physics and application of engineering, vibrations, electrical circuits, head transfer problems etc. In the said case, the Court had come to the conclusion that the distinction was not proper. The Court held that in Engineering Colleges, the subjects of Physics, Chemistry, and Mathematics cannot be separated from engineering subjects and the professors teaching Physics, Chemistry and Mathematics in Engineering colleges have to teach same subjects bearing in mind that the students are being prepared not for that particular subjects alone but ultimately for engineering subjects and therefore, teaching is different. The students have to be taught Physics, Chemistry and Mathematics in such a way that they can acquire knowledge in engineering subjects and understood these subjects to the engineering needs. Since these subjects were interlinked and taught in a particular way, their pay scale could not be different. This is what Desai Pay Commission and Sen Committee had thought and has been applied in South Gujarat University and Baroda University.

3. This judgment instead of helping the cause of the petitioner would indicate to the contrary. This judgment does not hold that distinction between technical and non-technical subjects is irrational. It only holds that teaching of Physics, Chemistry and Mathematics in Engineering colleges is also teaching in technical subjects and to treat the same as non-technical subjects

would amount to discrimination having regard to the technical nature of the subjects, purpose of including them in the curriculum of engineering colleges, the earlier historical parity and the situation prevailing in Engineering Colleges in South Gujarat University and Baroda University. Therefore, this judgment is of no help to the petitioner.

4. It is submitted that the distinction between technical and non-technical is arbitrary. It is submitted that the professors teaching technical subjects in Engineering Colleges and professors teaching in languages and social sciences and other subjects in other categories are doing the same work of teaching and therefore there cannot be any rational distinction between the technical and non-technical subjects. It is impossible to accept this argument. The technical subjects are a class by itself and the competence required, the education required and the quality of professors required to be attracted is vastly different from that in non-technical subjects. It is a rational classification and the court has no role to play in it.

5. There is no merit in the petition. Hence dismissed. Rule discharged.

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